

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

SAMMY RAY MILLER, JR.,

Plaintiff,

v.

3:11-cv-95

RODNEY MINOR,

Defendant.

MEMORANDUM

On February 24, 2011, plaintiff was ordered to complete and return the service packet for defendant Minor within 20 days. Plaintiff was forewarned that failure to return the completed service packet could jeopardize his prosecution of this action. Plaintiff has failed to return the service packet or otherwise respond to the order of this court. Therefore, this action will be **DISMISSED WITHOUT PREJUDICE**, *sua sponte*, for failure to prosecute and to comply with the orders of this court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas W. Phillips
United States District Judge